



DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission

[Project No. 9985-035]

Rivers Electric, LLC; Notice of Intent to File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

- a. Type of Application: Notice of Intent (NOI) to File License Application and Request to Use the Traditional Licensing Process (TLP)
- b. Project No.: 9985-035
- c. Date filed: March 29, 2022
- d. Submitted by: Rivers Electric, LLC (Rivers Electric)
- e. Name of Project: Mill Pond Hydroelectric Project
- f. Location: Located on the Catskill Creek in Greene County, New York. The project does not occupy any federal land.
- g. Filed Pursuant to: 18 CFR 5.3 of the Commission's regulations
- h. Potential Applicant Contact: Mr. Justin Bristol, Asset Development, Clear Energy Hydro, LLC, 18 S Wilcox St, Ste 100, Castle Rock, CO 80104. Phone: (401) 793-6041, Email: Justinb@clearenergyhydro.com.
- i. FERC Contact: Erin Stocksclaeder, Phone: (202) 502-8107, Email: erin.stocksclaeder@ferc.gov.
- j. Rivers Electric filed its request to use the TLP on March 29, 2022 and provided public notice of its request on March 30, 2022. In a letter dated May 11, 2022, the Director of the Division of Hydropower Licensing approved Rivers Electric's request to use the TLP.
- k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the New York State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.
- l. With this notice, we are designating Rivers Electric as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the

Endangered Species Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. Rivers Electric filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD may be viewed on the Commission's website (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

o. The applicant states its unequivocal intent to submit an application for a subsequent license for Project No. 9985. Pursuant to 18 CFR 16.20 each application for a subsequent license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by March 31, 2025.

p. Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: May 11, 2022.

Kimberly D. Bose,
Secretary.

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